

Notice of Allowability

Application No.

10/074,727

Examiner

Dmitry Suhol

Applicant(s)

HILLS STREBL ET AL.

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 3/02/04.
2. ☒ The allowed claim(s) is/are 1-5 and 7-9.
3. ☒ The drawings filed on 11 June 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DENNIS H. BANKS
SUPERVISORY PATENT EXAMINER
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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Risto Rinne on 31 March 2004.

The application has been amended as follows:

Claim 1, line 15, after "...magnitude an arc-rotation by said..." insert - - first - -, and after "...object when said..." insert - - first - -.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The specific limitations of "...wherein said predetermined period of time does not exceed in magnitude an arc-rotation by said first object when said first object is proximate said infant and wherein said arc-rotation is obtained by dividing 360 degrees of arc by a total number of objects in said plurality of objects... means for providing an audio program wherein said means for providing an audio program includes providing an audible sound sufficient to be heard by said infant, and wherein said audible sound includes an audible reference that identifies said first object during the time that said first object is disposed proximate said infant and while said first object is disposed within said arc-rotation" are

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not anticipated or made obvious over the prior art in the examiners opinion. For example, Fearon teaches a synchronized infant mobile which rotates in response to audible characteristics (col. 3, lines 5-7) containing at least one object (elements 50), a means for supporting at least one object (figure 1), a means for presenting an object to an infant in a continuous and automatic circular motion (motor 30), a means for providing an audio program (col. 2, lines 36-41), a plurality of distinct objects (fig. 1, elements 50), an audible sound including an audible reference (col. 2, lines 36-41), a means adapted for changing a plurality of objects (fig. 1, elements 55). Reynolds teaches a mobile which synchronizes audible sounds with predetermined distinct collectibles/objects (col. 2, lines 30-34). Baik also teaches a mobile which synchronizes audible sounds with predetermined objects (page 3, paragraph [0013]). However, prior art of record fails to teach or disclose synchronization in a moveable mobile where the mobile provides an audible sound that identifies an object while the object is in the specific arc rotation as stated above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

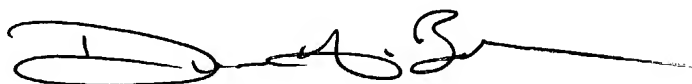
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 703-305-0085. The examiner can normally be reached on Mon - Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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